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Date: October 5, 2001

Docket No.: 2428-0108P

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a Request for filing a ☐ continuation ☒ divisional
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of
pending prior Application No. 09/068,101 filed on August 26,
1998, the entire contents of which are hereby incorporated by
reference,
by

Frank MICHIELS and Mark WILLIAMS

for

IMPROVED BARSTAR GENE

1. ☒ Enclosed is an application consisting of specification,
claims, declaration and drawings/photographs (if
applicable).
2. ☒ The filing fee has been calculated as follows:



J1040 U.S. PTO
09/970921
10/05/01

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$740.00	\$370.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	24-20 =	4	x 18 = \$72.00	x 9 = \$0.00
INDEPENDENT CLAIMS	1-3 =	0	x 84 = \$0.00	x 42 = \$0.00
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
TOTAL			\$1,092.00	\$0.00

3. ☒ A check in the amount of \$1,092.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/068,101, filed on August 26, 1998, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--

- b. ☒ --This application is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending Application No. 09/068,101, filed on August 26, 1998, and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/068,101 is the national phase of PCT International Application No. PCT/EP97/04739 filed on September 1, 1997 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. 96202446.9 filed in Europe on September 3, 1996 under 35 U.S.C. § 119.

6. ☐ Enclosed is/are _____ (____) sheet(s) of formal drawings and/or photographs.
- 7a. ☐ A statement claiming small entity status was filed in prior Application No. 09/068,101 on _____. See the attached copy of the statement claiming small entity status.
- 7b. ☐ The current application qualifies for small entity status.
8. ☒ The prior application is assigned to Plant Genetic Systems NV.
9. ☐ A Preliminary Amendment is enclosed.
- 10a. ☐ Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 10b. ☒ Priority of International Appln. PCT/EP97/04739 filed on September 1, 1997 under the Patent Cooperation Treaty and European Application No. 96202446.9 filed in Europe on September 3, 1996 under 35 U.S.C. § 119 are hereby reclaimed.
11. ☐ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
Telephone: (703) 205-8000

or
Customer No. 2292
13. ☐ An extension of time for _____ () month(s) until _____ has been submitted in parent Application No. 09/068,101 in order to establish co-pendency with the present application.

14. ☒ Also enclosed herewith is the following:

Paper copy of Sequence listing

Disk copy of Sequence listing (disk copy of the sequence listing file "2428-0108P.txt", is identical to the paper copy, except that it lacks formatting.)

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32868

Gerald M. Murphy, Jr., #28,977

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BS
GMM/TBS/crt
2428-0108P

Attachments

(Rev. 09/26/01)